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Attorneys for Plaintiff,
ARDEnte, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARDEnte, INC., a California corporation,
Plaintiff,

v.

RICHARD J. SHANLEY, an individual; WEAR
THE BEST, INC., a Connecticut corporation;
STIR CHEF LLC, aka STIRCHEF LLC, a
dissolved Connecticut limited liability company;
DYNAMIC LIVING, INC., a Connecticut
corporation; and DOES 1 through 20, inclusive,
Defendants.

CASE NO. 3:07-cv-04479-MHP

**STIPULATION AND [REDACTED]
ORDER STAYING THE CASE**

1 WHEREAS Plaintiff Ardente, Inc. ("Ardente"), filed the above-captioned case against
2 Defendants Richard Shanley, Wear the Best, Inc., and Stir Chef LLC, (collectively, "Defendants"),
3 alleging three claims: (1) patent infringement; (2) breach of contract; and (3) fraud;

4 WHEREAS Ardente has asserted infringement of United States Letters Patent No. 6,113,258
5 (the "258 Patent"), entitled BATTERY POWERED FOOD STIRRER WITH PIVOTALLY
6 MOUNTED SPRING BIASED ARMS;

7 WHEREAS Defendants have filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), and
8 said motion is currently set for hearing with this Court on May 19, 2008 at 2:00 p.m.; Ardente's
9 response to the motion is currently due on April 28, 2008; Defendant's reply is due on May 5, 2008;

10 WHEREAS Ardente is inclined to file an amended complaint in lieu of opposing the motion to
11 dismiss;

12 WHEREAS a Case Management Conference has been set with this Court for May 19, 2008 at
13 2:00 p.m.;

14 WHEREAS on or about April 18, 2008, Defendant Wear The Best, Inc., initiated *ex parte* re-
15 examination of the 258 Patent with the United States Patent and Trademark Office ("USPTO");

16 WHEREAS the parties wish to avoid possibly unnecessary litigation as well as piece-meal
17 litigation and discovery during pendency of the re-examination, and therefore desire a stay of this matter
18 until resolution of the re-examination with the USPTO.

19 IT IS HEREBY STIPULATED AND AGREED as follows:

20 All proceedings and activities in this case, including without limitation all discovery, motion
21 practice, initial disclosures, and preliminary infringement and invalidity contentions, shall be stayed, and
22 all deadlines shall be held in abeyance and continued during the pendency of the stay, until resolution of
23 re-examination with the USPTO. Upon resolution of the re-examination, the parties shall contact the
24 Court to address the scheduling of Defendant's pending motion to dismiss, and any other scheduling
25 matters. Ardente reserve the right to either oppose Defendant's motion to dismiss, or to file an amended
26 pleading in lieu of opposing the motion to dismiss.

1 This stay shall not prejudice any right of any party in this case, and this stipulation shall not be
2 construed by any party. The parties reserve the right to seek to modify or terminate this order, by filing
3 a motion and upon a showing of good cause.

4
5 **ERIC J. SIDEBOTHAM, APC**

6
7 DATED: April 25, 2008

8 /s/
9 DANIEL M. SHAFER
10 Attorneys for Plaintiff,
11 ARDENTE, INC.

12
13 **BERGESON, LLP**

14 DATED: April 25, 2008

15 /s/
16 HWAY-LING HSU
17 Attorneys for Specially Appearing Defendants,
18 RICHARD J. SHANLEY, WEAR THE BEST,
19 INC., and STIR CHEF LLC

20
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 DATED: April 29, 2008

24 
25 HONORABLE MARILYN H. PATEL
26 United States District Court Judge
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